

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3705 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

SOMABHAI DHANJIBHAI PATEL

Appearance:

1. Special Civil Application No. 3705 of 2001
MR HS MUNSHAW for Petitioner No. 1
MR BG JANI for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/02/2002

ORAL JUDGEMENT

Heard learned advocate Mr. Munshaw for the petitioner and Mr. Jani for the respondent workman. In this petition, the petitioner has challenged the award

made by the industrial tribunal in reference no. 215 of 1996 dated 13th September, 2000 wherein the tribunal has modified the order of punishment and has directed that instead of three increments, one increment of the respondent workman be stopped with cumulative effect. The respondent was working with the petitioner corporation as a conductor and he was on duty on 8th January, 1990 in its route to village Bhima from Patan and when the said bus was intercepted by the inspection squad, it was found that the respondent was involved in financial irregularity and therefore, the respondent was served with a chargesheet dated 8th April, 1990 and thereafter, after completing the inquiry proceedings, by order dated 9th November, 1993, the respondent was ordered to be placed at the lowest pay scale. Against the said order, departmental appeal was preferred by the respondent wherein the punishment was reduced and it was ordered that the three increments of the respondent workman be stopped with cumulative effect. Against that order also, the respondent approached the tribunal by filing reference (IT) No. 215 of 1996 wherein the tribunal, after hearing the parties and considering the record, ordered that instead of three increments, one annual increment of the respondent workman be stopped with future effect by order dated 13th September, 2000. This order is under challenge in this petition.

The tribunal has appreciated all these facts, past record and defence of the respondent workman and has ultimately found that the punishment of stoppage of three annual increments with future effect is having recurring loss to the workman running in thousands of rupees upto the retirement of the workman and, therefore, the tribunal thought it fit to reduce it to one increment from that of three increments, of course, with future effect. These are the discretionary powers enjoyed by the tribunal and considering the facts and circumstances of the case, according to my opinion, the tribunal has given cogent reasons in support of its conclusion. No arrears is required to be paid by the corporation and there is no loss to the corporation. Further, the punishment imposed by the tribunal is also having the recurring effect which also may run in thousand of rupees and, therefore, according to my opinion, the tribunal has rightly exercised the powers and has not committed any error. Learned advocate Mr. Munshaw appearing for the petitioner has not been able to point out any jurisdictional error and/or any material irregularity committed by the tribunal. There is, therefore, no substance in this petition and the same is required to be dismissed. Same is accordingly dismissed. Rule is

discharged. There shall be no order as to costs.

8.3.2002. (H.K. Rathod, J.)

Vyas